

/SCOTT LONG/ Patent Examiner, art unit 1633 REVIEWED &amp; ACCEPTED 1/31/2010

### Declaration

I, Xi Yongzhi, hereby declare as follows:

The undersigned declares further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

I am the inventor and applicant of the US Patent Application Serial No. 10/534,538.

Although we submitted the polypeptide sequences (Genbank accession number AAK98621) on 19 July 2001 with the US US NCBI-Genbank, however, it had never been published on or after that day because we withdraw it immediately, the information respect the polypeptide was empty until we updated the new information on Feb 8, 2006. The detailed explanations are as follows:

I. Observation on relevant date of the sequences in the present patent.

As we know, US NCBI-GenBank, established by the National Center for Biotechnology Information of National Institutes of Health, collects and arranges numerous nucleotide sequences of genes and the corresponding amino acid sequences provided by biological scientists from every country in the world.

Here, we would like to remind the US examiner that: the date, mentioned in the LOCUS line recorded in the NCBI-GenBank data, is the date when the data is finally published. In most of cases, it is also the date when the data is first published. Another recorded date (see below) is the date when the sequence is submitted with the databank. It should be noticed that the two dates are not guaranteed under laws and the databank does not declare that the two dates are correct. *(the relevant*